Claims 1-20 are pending in the present application. Claim 10 has been canceled, and Claims 1 and 18 have been amended by the present amendment to incorporate the general subject matter of original (allowable) claim 10. Thus, the changes to the claims are supported by the originally filed specification and do not introduce any new matter.

In the outstanding Office Action, Claims 1-20 were rejected under 35 U.S.C. 112, first paragraph, as being indefinite; the drawings were objected to as failing to show every feature of the invention specified in the claims; Claims 1-6, 9, 11-13, and 18-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Motoyama (USP 5,818,603) in view of Hanaway (USP 5,842,039); Claims 7 and 14-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Motoyama in view of Hanaway and further in view of Guck (USP 5,911,776). Claims 8 and 10 were indicated as allowable if rewritten to overcome the 112, 1st paragraph rejection and rewritten in independent form.

In response to the objection to the drawings, enclosed is a separate letter requesting approval for a drawing addition supported by original claims 1, 4 and 18. Upon receiving approval for the requested drawing addition, Applicant will file formal drawings including the requested drawing addition.

In response to the rejection if claims 1-20 under 35 USC 112, first paragraph, Applicants respectfully submit that such a ground for rejection is inconsistent with the Office Action's rejection under 35 USC 103(a). The Office Action cites a US Patent which is supposed to be enabling for all that it teaches, and the Office Action asserts that it teaches (and therefore enables) the limitation that the Office Action then alleges is not enabled by Applicants' specification. The Office Action cannot have it both ways. If the reference forms a portion of the known art, then it is evidence that one of ordinary skill in the art was in possession of the ability to try a second protocol after having tried a first protocol. If the

reference is not enabling, then the combination of references is not enabling and cannot be used as a rejection under 35 USC 103(a). Thus, it is respectfully submitted that the claims were enabled as of the date of their filing.

In response to the rejections of claims 1-7, 9, and 11-20 under 35 USC 103(a), Applicants respectfully submit that such a ground for rejection is rendered moot by the incorporation of the subject matter of allowable claim 10 into independent claims 1 and 18. It is believed that all of the pending claims, therefore, are allowable over the cited references.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome and in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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IN THE SPECIFICATION

Please amend the specification as follows:

Please amend paragraph 43 as follows:

[p43] Figures 24A and 24B are class specification of CFormatProtocolCombinationCheck class to verify the combination of format and protocol; [and]

Please amend paragraph 44 as follows:

[p44] Figures 25A, 25B and 25C are class specification of CProtocolRestrictionCheck class where the steps in the oneFormatRestriction function shows the process to modify the map structure; and

After paragraph [p44], please insert a new paragraph as follows:

[44a] (New)

After paragraph [p115], please insert a new paragraph as follows:

[115a] (New)

IN THE CLAIMS

Please amend the claims as follows:

1. (Amended) A computer program product, comprising:

a computer storage medium and a computer program code mechanism embedded in the computer storage medium for causing a computer to control a format used for data

communication between a remote receiver and at least one of a device, an appliance, an application and an application unit, the computer program code mechanism comprising:

a first computer code device configured to provide plural communications formats capable of providing data transfer;

a second computer code device configured to select a first format of the plural communications formats to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit;

a third computer code device configured to select a second format of the plural communications formats to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit;

a fourth computer code device configured to collect events at the at least one of a device, an appliance, an application and an application unit;

a fifth computer code device configured to dynamically generate first and second format processors for implementing the first and second formats;

a sixth computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first format processor;

a seventh computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second format processor after attempting to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first format processor, wherein the seventh computer code device is configured to check for a transmission failure before transferring the collected events using the second format.

10. (Canceled)

18. (Amended) A computer-implemented method for causing a computer to control a format used for data communication to a remote receiver, comprising:

providing plural communications formats capable of providing data transfer;

selecting a first format of the plural communications formats to transfer data between the remote receiver and at least one of a device, an appliance, an application and an application unit;

selecting a second format of the plural communications formats to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit;

collecting events at the at least one of a device, an appliance, an application and an application unit;

dynamically generating first and second format processors for implementing the first and second formats;

performing a first attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first format processor;

checking for a transmission failure in the first attempt; and

performing a second attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second format processor after the first attempt if there was a transmission failure in the first attempt.